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UNITED STATES DISTRICT COURT
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DISTRICT OF NEVADA
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7 CHARLIE G. HABON et al.,)
8 Plaintiffs,) Case No.: 3:10-cv-00191-RCJ-VPC
9 vs.)
10 MORTGAGE ELECTRONIC) **ORDER**
11 REGISTRATION SYSTEMS, INC. et al.,)
12 Defendants.)
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14 This case arises out of the foreclosure of four mortgages. The four mortgages and the six
15 mortgagors are otherwise unrelated. The Complaint lists six nominal causes of action as to each
16 foreclosure: (1) wrongful foreclosure; (2) fraud in the inducement; (3) conspiracy to commit
17 wrongful foreclosure; (4) unjust enrichment; (5) slander of title; and (6) reformation, declaratory
18 judgment, and quiet title (prayers for relief as to the other substantive claims). Pursuant to 28
U.S.C. § 1407, the Judicial Panel on Multidistrict Litigation (“JPML”) transferred the case to the
District of Arizona (MDL No. 2119), but severed and remanded all causes of action unrelated to
the formation and operation of Mortgage Electronic Registration Systems, Inc. (“MERS”) to this
Court. The JPML gave no further guidance as to which causes of action were transferred and
which were remanded. The MDL judge began issuing periodic “partial remand orders” in
groups of cases indicating those causes of action he believed had been remanded to transferor
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1 courts by the JPML, and this Court deferred to the MDL judge's determinations in this regard so
2 as to avoid conflicting rulings. In the partial remand order addressing the present case, the MDL
3 judge determined that the following causes of action had been remanded to this Court: the
4 portion of the unjust enrichment claim (and related prayer for relief) that did not concern the
5 operation of MERS. Certain Defendants moved to dismiss the unjust enrichment claim to the
6 extent it had been remanded. The parties stipulated to dismiss MERS from the case with
7 prejudice, and the Court granted the motions to dismiss. The Court denied a motion to
8 reconsider and granted another Defendant's motion to dismiss. The Court granted another
9 Defendant's motion for summary judgment. The Court of Appeals has affirmed. The Court of
10 Appeals has separately affirmed the MDL court's dismissal of Plaintiffs' transferred claims.

11 PNC Mortgage has now asked the Court to expunge the lis pendens recorded as to the
12 property of Plaintiff Jonathan Pierce. Plaintiff has not timely responded.

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CONCLUSION

IT IS HEREBY ORDERED that the Motion to Expunge Lis Pendens (ECF No. 147) is GRANTED, and the lis pendens recorded as Document No. 0761013 in the Douglas County Recorder's Office is EXPUNGED.

IT IS FURTHER ORDERED that, in accordance with the Joint Status Report (ECF No. 151), the Clerk shall enter judgment and close the case.

IT IS SO ORDERED.

Dated: This 16th day of September, 2014.

ROBERT C. JONES
United States District Judge